

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:09-CR-65-H

UNITED STATES OF AMERICA

v.

MICHAEL EUGENE GOODWIN,

Defendant

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ORDER

This matter is before the court on petitioner's pro se motion to reduce his sentence pursuant to § 404 the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018).

On August 12, 2009, petitioner pled guilty, pursuant to a written plea agreement, to possession with intent to distribute a quantity of heroin, as charged in the one-count indictment.

On January 5, 2010, after overruling petitioner's objection to the drug quantity, the court found the guideline range to be 151-188 months and sentenced petitioner to a term of imprisonment of 168 months. Petitioner appealed, and the Fourth Circuit Court of Appeals affirmed his sentence. United States v. Goodwin, No. 10-4037 (4th Cir. Sept. 6, 2011).

Section 404 of the First Step Act of 2018 aims to remedy injustice by making the Fair Sentencing Act's lower statutory

penalties for crack cocaine offenses retroactive. Defendant was charged and sentenced for trafficking in heroin, not crack cocaine. Therefore, section 404 of the Frist Step Act does not apply to his case.

Defendant's motion [DE #63] is DENIED.

This 29th day of May 2019.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
#26